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C O N F I D E N T I A L BAGHDAD 000063

SIPDIS

E.O. 12958: DECL: 01/09/2015

TAGS: PGOV KDEM IZ

SUBJECT: THE CITIZENSHIP LAW IN TAL CONTROVERSY

REF: A. BAGHDAD 4662
 1B. DEC 10 BAGHDAD O/I
 1C. BAGHDAD 4993
 1D. DEC 13 BAGHDAD O/I

Classified By: Political Counselor Robert S.
Ford for Reasons 1.4 (b) and (d).

11. (C) On December 17, Saifaldin Abdurrahman, Chief of Staff to Dr. Hajim al-Hasani, the Speaker of the TNA, told PolOff that members of the Shia Coalition were agitated because VP Adel Abdul Mehdi evidently never agreed to the veto of the Nationality Law that the Presidency Council (PC) issued on December 4, nor had he agreed to the vetoes issued on the Martyrs' Foundation and the Political Prisoners' Foundation laws.

12. (C) In response, al-Hasani sent the following letter December 18 to the Presidency Council: The Iraqi National Assembly is of the opinion that the appeal decision (i.e. the veto) for the laws sent to you in accordance with Article 37 of the TAL should be issued unanimously by the Presidency Council members pursuant to the provisions of Article 36(C) of the aforementioned law. Since the reversal decisions (vetoes) issued regarding the Nationality law, the law of the Martyrs Foundation, and the Political Prisoners and Detainees law were not issued unanimously; therefore, these laws are deemed approved. Pursuant to what has been stated above, you are kindly requested to send these laws to the Ministry of Justice in order to be duly published in the official gazette.

13. (C) Post is following up with the Presidency Council to see if they have received the letter and what their reaction is.

14. (C) COMMENT. Our protests about discriminatory provisions in the law generated a response from the Presidency Council, but we sense no movement on the issue since mid-December. By sending the December 18 letter, the Speaker sought to push this issue back to the Presidency Council. The December 4 Presidency Council letter lacked signatures of any of the members of the PC (it was signed by Talabani's Chief of Staff), but there is no prior veto practice against which to evaluate the effectiveness of such a letter. The working interpretation is that Presidency Council vetoes must be unanimous since TAL Article 36(C) says states "The Presidency Council shall take its decisions unanimously." In addition, because a practice has developed in which all three Presidency Council members sign laws before they are published in the Official Gazette, it may be reasonable for the TNA to expect all three members of the PC to sign a veto letter as well. The end of the transitional period and the formation of a new government also make it difficult to predict how this dispute will be resolved. Nevertheless, because the PC is, by practice, the entity that sends enacted laws to the Official Gazette for publication, Talabani simply could refuse to send these laws to the Gazette, which effectively may prevent them from becoming law.

KHALILZAD